

PTO/SB/08A (08-03)

Approved for use through 07/31/2008. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	09/887,828
Filing Date	October 12, 2000
First Named Inventor	McCloskey, James P.
Art Unit	3653
Examiner Name	Joseph C. Rodriguez
Attorney Docket Number	BT09562.0526888

Sheet 1 of 3

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
/		US- 5,285,905	02-15-1997	Laprade	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>o</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

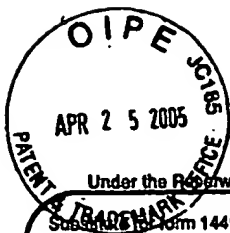
Examiner  
SignatureDate  
Considered

c/1/05

\*EXAMINER: Initial if reference considered; whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 801.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08B (08-03)  
Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>INFORMATION DISCLOSURE STATEMENT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	09/687,828
		Filing Date	October 12, 2000
		First Named Inventor	McCloskey, James P.
		Art Unit	3653
		Examiner Name	Joseph C. Rodriguez
Sheet 2	of 3	Attorney Docket Number	BT09562.0526888

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		<del>Exhibit A, attached to the Declaration of Jerry L. Warlow enclosed herewith (the "Warlow Declaration"), is a photograph of a Re-Tech Eliminator trommel vehicle.</del>	
		<del>Exhibit B, Warlow Declaration, is a photograph of a Re-Tech Eliminator trommel</del>	
		<del>Exhibit C, Warlow Declaration, is a photograph of a Re-Tech Eliminator trommel vehicle.</del>	
		<del>Exhibit D, Warlow Declaration, is a photograph of a Re-Tech Eliminator trommel vehicle.</del>	
		<del>Exhibit E, Warlow Declaration, is a photograph of a Re-Tech Eliminator trommel vehicle.</del>	
		<del>Exhibit F, Warlow Declaration, is a photograph of a manufacturing identification plate attached to the Re-Tech Eliminator trommel vehicle of Exhibits A-E.</del>	
<i>g</i>		Exhibit G, Warlow Declaration, is a Re-Tech drawing E-32, dated 5-25-05, titled "Double-Fold Fines Stacker Option".	
		Exhibit H is a printed publication of Royer Industries, Inc., titled "An Advanced Recycling System-The 6'16 Mobile Trommel Screen."	
<i>g</i>		Exhibit I is page 19 from the May 1991 issue of BioCycle magazine.	
<i>g</i>		Exhibit J is page 6 from the February 6, 1993 issue of BioCycle magazine.	

Examiner Signature	<i>[Signature]</i>	Date Considered	5/1/05
--------------------	--------------------	-----------------	--------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.88. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/088 (08-03)  
Approved for use through 07/31/2008. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>INFORMATION DISCLOSURE STATEMENT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	09/687,828
		Filing Date	October 12, 2000
		First Named Inventor	McCloskey, James P.
		Art Unit	3653
		Examiner Name	Joseph C. Rodriguez
Attorney Docket Number	BT09562.0526888		
Sheet	3	of	3

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
<i>JH</i>		Exhibit K is page 47 from the March 1993 issue of BioCycle magazine.	
<i>JH</i>		Exhibit L is Royer Industries, Inc. drawing D-1402-2680 D, titled 616 MP ASSY.	
<i>JH</i>		Exhibit M, Warlow Declaration, is Re-Tech drawing L-01, dated 3-2-94, titled THE LANDSCAPER.	
		Exhibit N, attached to the Declaration of Joseph E. Musil enclosed herewith (the "Musil Declaration"), a Cedarapids brochure titled	
		"Model 5348-VGF-FS Portable Impact Breaker With Front Swivel Conveyor" vehicle (The "Cedarapids vehicle"), Form No. 13757-IMCO-10-73.	
		Exhibit O, Musil Declaration, is a page of a Cedarapids parts manual, titled "Hydraulic Swivel Base Parts List No. 8085KAP".	
		Exhibit P, Musil Declaration, is three pages of a Cedarapids parts manual of a Cedarapids 5460 MATP Plant.	
		Exhibit Q, Musil Declaration, is titled Portable And Radial Stacking Conveyor Stockpile Tonnage, Form 125630IMCO-9-89.	
		Exhibit R is a brochure titled Remu. A translation is included.	

Examiner Signature	<i>[Signature]</i>	Date Considered	6/1/05
--------------------	--------------------	-----------------	--------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 3

**Complete if Known**

Application Number	09/687,828
Filing Date	10/12/2000
First Named Inventor	McCloskey
Art Unit	3653
Examiner Name	Rodriguez
Attorney Docket Number	

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
/		US- 2,609,115	09-02-1952	OKLEJAS	
		US- 4,058,198	11-15-1977	O'NEILL et al.	
		US- 4,997,135	03-05-1991	ZEHR	
		US- 5,248,042	09-28-1993	KUHMONEN	
		US- 5,285,905	02-15-1994	LAPRADE	
		US- 5,577,618	11-26-1996	RAFFERTY	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear

Examiner  
SignatureDate  
Considered

6/1/05

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	09/687,828
Filing Date	10/12/2000
First Named Inventor	McCloskey
Art Unit	3653
Examiner Name	Rodriguez
Attorney Docket Number	

Sheet 2 of 3

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
A		APPENDIX A: RE-TECH dated engineering drawing (May 25, 1994), Sales Literature from Re-Tech depicting trommel with two double folding conveyors, Photos of Eliminator Device built July 1994 having serial number 1R8TE472XRY216016 (Figures 1-11), Figure 12 is a Re-Tech drawing #E-32 depicting double-fold fines	
		stacker option available before April 5, 1995, Figure 13 is Sales Literature published before April 5, 1995 from Re-Tech depicting double-pivoting conveyors in stowed position, Publisher: Re-Tech (a division of Enviroquip Systems Inc.), USA	
		APPENDIX B: ROYER INDUSTRIES INC., Royer 616 MP advertisement, Biocycle Magazine, May 1991, Page 19, Publisher: JG Press, Inc., USA (Figure 1).	
		APPENDIX B: ROYER INDUSTRIES INC., Sales Literature for Royer 616MP depicting a hopper, a rotary trommel, an input means including an upwardly inclined conveyor, 1991, Publisher: Royer Industries Inc., USA (Figures 2-6).	
		APPENDIX B: ROYER INDUSTRIES INC., Royer 616MP advertisement, Biocycle Magazine, February 1993, Page 6, Publisher: JG Press, Inc., USA (Figure 6).	
		APPENDIX B: ROYER INDUSTRIES INC., Royer 616MP article, Biocycle Magazine, March 1993, Page 47, Publisher: JG Press, Inc., USA (Figure 7).	
		APPENDIX B: ROYER INDUSTRIES INC., Royer 616MP article, Biocycle Magazine, September 1994, Page 60, Publisher: JG Press, Inc., USA (Figure 8).	
		APPENDIX B: ROYER INDUSTRIES INC., Sales Literature for Royer 616MP depicting the folding feature of the conveyor, Publisher: Royer Industries Inc., USA (Figure 9). 9/1994	
	APPENDIX C: DIAMOND Z MANUFACTURING, Diamond Z Device advertisement, Biocycle Magazine, April 1995, Page 14, Publisher: JG Press, Inc., USA (Figure 1).		
	APPENDIX D: RE-TECH dated engineering drawing (March 2, 1994) (Figure 1) and (Figure 2) as enlarged version, The Landscaper Device sold in the U.S. prior to April 5, 1995, Publisher: Re-Tech (a division of Enviroquip Systems Inc.), USA		

Examiner Signature	Date Considered	6/1/05
--------------------	-----------------	--------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	09/687,828
Filing Date	10/12/2000
First Named Inventor	McCloskey
Art Unit	3653
Examiner Name	Rodriguez
Attorney Docket Number	

Sheet	3	of	3
-------	---	----	---

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		APPENDIX D: RE-TECH Sales Literature for the Roto-Screen depicting a plurality of screening devices which utilize stockpiling conveyors at the end of the chassis opposite the rotary trommel, located in U.S. Patent No. 5,285,905, Publisher: Re-Tech (a Division of Enviroquip Systems Inc.), USA (Figures 3-8).	
		APPENDIX E: LEKOPA OY Sales Literature depicting the Remu-Device which is used for screening material. Publisher: LEKOPA OY, Finland (Figures 1-8).	

No  
Date

Examiner Signature		Date Considered	6/1/05
--------------------	--	-----------------	--------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language translation is attached. This collection of information is required by 37 CFR 1.88. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.